

ATTACHMENT B

SUBJECT: Information About the Form N-648 (Form N-648A)

For a permanent resident to take the oath of allegiance and become a naturalized citizen, he or she must demonstrate knowledge of English and U.S. history and government. The Immigration and Nationality Act authorizes an exception to this requirement for individuals who are unable to learn or demonstrate knowledge of English or U.S. history and government because of a physical or developmental disability or mental impairment. This exception is known as a "disability exception."

This form is intended to provide information about the disability exception to applicants for naturalization and to answer the most frequently asked questions relating to disability exceptions. This form must be read together with the instructions on the Form N-648, Medical Certification for Disability Exceptions, and should be given to the applicant's doctor if the applicant believes that he or she might be eligible for the disability exception.

Who Qualifies for a Disability Exception?

An applicant for naturalization can qualify for a disability exception by demonstrating that he or she suffers from a medically determinable disability or impairment or combination of impairments that result(s) in functioning **so impaired** that it prevents him or her from learning or demonstrating knowledge of English and/or U.S. history and government. The authorized medical profession must therefore provide: 1) a full and complete description of the applicant's diagnosis; 2) a thorough explanation of how the condition diagnosed has impaired the functioning of the applicant so severely that the applicant is unable to learn or demonstrate knowledge of English and/or U.S. history and government; and 3) his or her conclusion about whether or not the applicant is able to learn or demonstrate knowledge of English and/or U.S. history and government. The impairment must not be temporary (i.e., less than 12 months).

! NOTE: An applicant will not qualify for a disability exception if the sole basis for the request is that he or she cannot learn or demonstrate knowledge of English and/or U.S. history and government because of old age, or if the impairment is the sole result of the illegal use of drugs.

How Does One Apply for a Disability Exception?

An applicant for naturalization may apply for a disability exception by submitting a Form N-648, Medical Certification for Disability Exceptions, along with the N-400, Application for Naturalization. The Form N-648 should be submitted with the N-400 within six months of when it was completed and signed by the authorized medical professional. The Form N-648 may be presented to the INS officer conducting the naturalization interview in limited circumstances, such as if the applicant developed a disability after submitting the N-400 application. In such cases, the N-648 must have been completed within six months of the interview date and applicants requesting a disability exception should present the N-648 to the INS officer at the beginning of the interview. Applicants will be given two opportunities to present a sufficient Form N-648 to INS and to pass the English and U.S. history and government (civics) tests.

Which Medical Professionals Are Authorized to Complete the Form?

Medical and osteopathic doctors and clinical psychologists who are licensed to practice in the United States are authorized to complete the form N-648.

What Information Does the Doctor Need to Provide on the Form N-648?

The certifying doctor must answer completely and legibly all the questions in Part II of the Form N-648. The certifying doctor is not limited to the space provided on the N-648 and should attach additional sheets of paper if necessary. The most important question in Part II is question 3. The certifying doctor must provide the following three-part response to question 3.

- (1) A full and complete description of the doctor's diagnosis, including, if applicable, the most recent DSM code.
- (2) An explanation of how the disability or impairment affects the applicant and prevents him or her from learning or demonstrating knowledge of English and/or U.S. history and government.
- (3) The doctor's conclusion about whether the applicant is able to learn or demonstrate knowledge of English and/or U.S. history and government.

What if the Form N-648 is Insufficient?

If the applicant's first request for a disability exception is deemed insufficient, he or she will be provided with a Notice of Incomplete N-648 that explains why the N-648 was not accepted and given another opportunity to submit a sufficient N-648. The applicant will also be tested on English and U.S. history and government. However, if the applicant fails the tests the first time, the applicant will have another opportunity to be tested.

If the applicant does not submit a sufficient N-648 within the time period specified by the Service, and cannot pass the English and U.S. history and government tests for the second time, the application for naturalization will be denied.

The applicant may seek administrative review of the denied application for naturalization by filing a request for a hearing along with the required fee. This request must be filed within 30 days of receiving the denial of the application for naturalization. In seeking administrative review, the applicant may seek reconsideration of the rejected request for the disability exception (Form N-648). The applicant may rely on the Form N-648 previously submitted or may file a new or amended Form N-648 but may not submit a Form N-648 for the first time at this hearing. An INS supervisory officer will schedule a review hearing, review all information included in the record (including any new information submitted as part of the hearing process), and make a final decision on the Form N-648 and the application for naturalization. If the application for naturalization is denied after the administrative review, the applicant may seek review of the denied application in district court.